

REMARKS

Claims 1, 3-22 and 24-35 are pending in the present application with claims 1, 24, and 32 being the independent ones.

Claims 1, 3-4, 6-16, 18-22, 24-26, 28-32, and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bracho et al (U.S. Patent No. 5,974,417).

Regarding independent claims 1 and 24, the examiner indicated that Bracho teaches all of the elements as follows:

subscribing to a first event source to create an event subscription (column 4, lines 50-52, abstract);
receiving at least two event messages(column 2, lines 17-20, abstract) each *comprising a sequence number and a time stamp from the first even when events occur at the first event source*(Figure 9, abstract); and
determining the order of events within the first event source on the basis of the sequence number within the at least two event messages (Figure 9, column 14, lines 6-18, abstract); and
revoking the event subscription (column 7, line 15).

Action, p. 3 (emphasis added).

Applicants had previously argued that Bracho does not teach determining the order of events on the basis of sequence numbers as claimed. Applicants further argued that the cited portions of Bracho teaches that duplicate events are discarded on the basis of sequence numbers, but not that the sequence numbers are used for ordering events. Moreover, column 10, lines 1-19 teaches that:

all events having the same priority level will be delivered by the hub 106 in the order that they are accepted by the publisher.... Inter-publisher ordering is not guaranteed, since it depends on routing and availability issues.

The cited portion of Bracho therefore seems to teach away from the notion of ordering events on the basis of a sequence number.

In the most recent Action, the Examiner responds to Applicants analysis by maintaining that it is “well to one skilled in the art, a sequence number is used to determine order. Bracho's discarding of duplicate events based on the sequence number clearly

teaches that the sequence number is used to determine the order of the events. Therefore, Bracho meets the scope of the claimed limitation.”

Without accepting the accuracy of Examiner’s statement or whether Bracho clearly teaches that sequence numbers are used in the manner claimed, Applicants have amended the claims to clarify that the sequence numbers are on a per subscription basis. That is each subscriber is provided with a sequence number indicating the order of events per subscription. See application page 28.

Applicants submit that claims 1 and 23 patentably define over Bracho for at least the cited reasons. Inasmuch as claims 3-4, 6-16, 18-22, 25-26 and 28-31 depend from claims 1 and 24, Applicants submit that they also define over Bracho for at least the cited reasons.

Regarding independent claim 32, the examiner indicated that Bracho teaches all of the elements as follows:

subscribing to an event on a first digital device (column 4, lines 50-52, abstract);

receiving an indication in a type description language comprising a time stamp and sequence number that the event has occurred on the first digital device (Figure 9, column 14, lines 6-18, column 10, lines 1-19); and

requesting a service to be performed by the first digital device after receiving the indication that the event has occurred (column 5, lines 10-11).

Action, p. 5 (emphasis added).

In the previous Action, the Examiner provided no grounds for rejecting claim 32. Rather, the Examiner merely repeated the arguments made with respect to the other independent claims. In this Action, the Examiner has for the first time cited portions of Bracho that purportedly teach all of the cited limitations. Applicants representative carefully reviewed the cited portion of Bracho and in particular reviewed the Examiner’s citation for the highlighted portion above. The cited portion describes how a “publisher uses an ‘advertisement’ to tell the system what types of events it intends to publish and how it intends to publish them” Applicants fail to understand how this citation meets the limitation of the claim which clearly describes a subscriber making a requests for a service to be performed.

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Moreover, Applicants request that the Examiner reconsider the finality of the Action inasmuch as no basis was previously provided for the rejection of claim 32. Applicants further submit that the present rejection also fails to anticipate claim 32 and requests reconsideration of the rejection.

Applicants submit that claim 32 patentably defines over Bracho for at least the cited reasons. Inasmuch as claim 35 depends from claim 32, Applicants submit that it also defines over Bracho for at least the cited reasons.

Claims 5, 17, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bracho et al (U.S. Patent No. 5,974,417).

Applicants submit that claims 1 and 23 patentably define over Bracho for at least the reasons cited above. Inasmuch as claims 5, 17, 27 and 33 depend from claims 1 and 24, Applicants submit that they also define over Bracho for at least the cited reasons.

CONCLUSION

Claims 1, 3-22, 24-35 are in condition for allowance. An early notification of allowance is respectfully requested.

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